



# South Coast Air Quality Management District

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## ENVIRONMENTAL JUSTICE ADVISORY GROUP FRIDAY, JANUARY 28, 2011 MEETING MINUTES

### MEMBERS PRESENT:

Dr. Joseph Lyou, AQMD Governing Board Member, EJAG Chairman  
Lawrence Beeson, Loma Linda University, School of Public Health  
Suzanne Bilodeau, Knott's Berry Farm  
Paul Choe, Korean Drycleaners & Laundry Association  
Afif El-Hasan, American Lung Association  
Alycia Enciso, Small Business Owner  
Mary Figueroa, Riverside Community College  
Maria Elena Kennedy, Quail Valley Task Force  
Pat Kennedy, Greater Long Beach Interfaith Community  
Angelo Logan, East Yard Communities for Environmental Justice  
Daniel Morales, National Alliance for Human Rights  
Paul Ong, UCLA School of Public Affairs  
Neal Richman, Breathe LA  
Woodie Rucker-Hughes, NAACP – Riverside Branch  
Rafael Yanez, Member of the Public

### MEMBERS ABSENT:

Rhetta Alexander, San Fernando Valley Interfaith Council  
Detrich Allen, City of Los Angeles Environmental Affairs  
Mimi Holt, SEIU Local 121 Registered Nurses  
Andrea Hricko, Southern California Environmental Health Sciences  
Evelyn Knight, Long Beach Economic Development Commission  
Brenda LaMothe, S. Los Angeles Service Representative for L.A. Mayor  
Margaret Mapes, St. Joseph Center  
John Moretta, Resurrection Church  
Elina Nasser, Center for Occupational and Environmental Health, UCLA  
William Nelson, OC Signature Properties  
Salvador Ramirez, National Hispanic Environmental Council

### OTHERS PRESENT:

Earl Elrod, Board Member Assistant (*Yates*)  
Sue Gornich, BP  
Jose Gutierrez, City of Los Angeles – Public Works  
Nicole Nishimura, Board Member Assistant (*Lyou*)  
Amanda Pyle, AAR  
Sarah Weldon, AAR

**AQMD STAFF:**

Barbara Baird, District Council  
Mohan Balagopalan, Air Quality Analysis Compliance Supervisor  
Marc Carrel, Program Supervisor  
Ruby Fernandez, Deputy District Council II  
Lady McDesmond, Office Assistant  
Lisa Tanaka O'Malley, Community Relations Manager  
Jean Ospital, Health Effects Officer  
Nicole Soto, Secretary

**Agenda Item #1 - Call to Order/Opening Remarks**

Chair Dr. Joseph Lyou called the meeting to order at 12:03 PM.

Chair Lyou announced he received two inquiries regarding the deadline for the BP/ARCO settlement funds and asked staff to report back on the status of the funds and the grant process.

***Action Item:** Have staff provide an update on the status of BP/ARCO settlement funds and grant process.*

Chair Lyou also announced the school siting guidance meeting at City Hall in Los Angeles on Tuesday, February 1, 2001 and directed members to contact Nicole Nishimura, his Board Assistant for further information.

**Agenda Item #2 – Approval of October 29, 2010 Meeting Minutes**

Chair Lyou asked if there were any objections to the October 29, 2010 meeting minutes. Upon hearing no objections, the minutes were approved.

Ms. Lisa Tanaka O'Malley reviewed the action items from the October 29, 2010 meeting.

**Agenda Item #3 – Member Updates**

Mr. Paul Ong informed members he is working on an initiative with colleagues on how to rigorously evaluate environmental programs and policies to see if their goals are being met and said it is something he would like members' participation in. Mr. Ong noted the first meeting is potentially in June and is being sponsored by the Environmental Protection Agency (EPA).

Mr. Angelo Logan noted a "Clean Up, Green Up" campaign, which is a collaborative cumulative impact assessment program being worked on by several City of Los Angeles Council Members to look at potential ordinances to address cumulative impacts in pilot project areas, including Boyle Heights, Pacoima, and Wilmington. Chair Lyou added there is a fact sheet on the campaign and asked that it be distributed.

***Action Item:** Provide the fact sheet for the "Clean Up, Green Up" campaign to members.*

Ms. Maria Kennedy said the Quail Valley Task Force along with the Santa Ana Watershed Authority and California State University, San Bernardino are hosting a conference on Prop 84 funding opportunities for disadvantaged communities, scheduled tentatively in June.

Mr. Neal Richman informed members that Breathe LA had a very successful Air Quality Roundtable meeting in Sacramento, which provided an overview of air quality at the Federal, State and Local level.

Mr. Rafael Yanez noted the need to hold community forums and if members could notify the group when holding rallies or meetings, so they can be supportive of each other's efforts. Chair Lyou said members can work through staff to notify the group when events and meetings occur.

Mr. Lawrence Beeson informed members that Loma Linda University has received funding from the District to complete a two year study on cancer assessment and survey of the people living around the Burlington Northern Santa Fe (BNSF) railyards.

Mr. Logan requested to hold EJAG meetings in different communities, if there is a special topic to discuss. Chair Lyou replied the District is centrally located, but the Charter allows meetings to be held offsite, so it can be discussed for the upcoming year if members are interested.

Mr. Richman mentioned he wanted to inform members about a toxic tour hosted by Communities for a Better Environment, but District staff didn't think it was appropriate to distribute the information. Ms. Barbara Baird said generally the Brown Act would not allow serial communication regarding a subject matter that may come before the committee. Chair Lyou asked if it only applies to decision making issues. Ms. Baird responded it also applies to information gathering. Chair Lyou said a brief explanation of what members can and cannot do, would be helpful.

***Action Item:*** *Provide information on the limitations to member communications.*

Ms. Alycia Enciso asked how many people the Brown Act applies to. Ms. Baird responded the quorum, but she was unsure of the number for EJAG. Chair Lyou said there are 26 members so 14 would be the quorum. Ms. Enciso asked if members can meet as long as it does not involve over 14 members, which Chair Lyou and Ms. Baird affirmed.

#### **Agenda Item #4 – Review of 2010 Accomplishments and discussion of 2011 Goals & Objectives**

Ms. Lisa Tanaka O'Malley reviewed the Accomplishments of EJAG for 2010, followed by the 2011 Goals & Objectives. Mr. Logan said he feels strongly about presenting formal recommendations to the Board and following through. Chair Lyou said recommendations would go to the Administrative Committee and then to the Board. Chair Lyou noted he is willing to provide a report and is also willing to make the recommendations to the Administrative Committee himself.

Mr. Richman said it would be useful to know what critical decisions the District is going to be facing in the next fiscal year, including the status of the resubmission to the Air Resources Board (ARB). Ms. Baird said there are issues with the changes to the 2007 PM2.5 SIP, which EPA had proposed to disapprove and that the District will be doing a SIP revision in March to address it. Ms. Baird also added in 2011 the District will begin the next SIP proposal for addressing the revised daily PM2.5 standard that will most likely be adopted in 2012. Mr. Richman asked if the proposal will be looked at from an Environmental Justice (EJ) standpoint and if members can play a role. Ms. Baird said in past years the proposals have gone to the group for review.

Chair Lyou noted there are other CCP updates that would be of interest, including the pilot project areas and other measures of interest.

***Action Item:*** *Include the pilot projects and other CCP measures of interest in the 2011 Goals & Objectives.*

Ms. Enciso noted her concern of agencies not working with each other when planning freeways. Chair Lyou confirmed with members they would be interested in discussing inter-governmental relations between the District and other agencies, and how to improve them.

**Action Item:** *Include inter-governmental relations in the 2011 Goals & Objectives.*

Mr. Richman said the group needs to think about their time strategically and the agenda needs to be narrowed since meetings are held quarterly. Chair Lyou noted that schools, goods movement, and rail issues are dominant concerns of the group and assumes they will continue to focus on those issues.

Ms. Kennedy noted the Districts involvement with freeways needs to be in the planning phases since they are made years in advance. Chair Lyou said under the proposal they can share with the group what they have done to have a stronger voice in transportation, which includes advocacy in Washington D.C.

Mr. Logan said there are several eligible grantees for the Caltrans Community Planning Grants for community transportation planning that members might want to consider. Chair Lyou said they are large grants and said it could be requested that Barry Wallerstein speak with Mr. Logan about opportunities for a partnership between an agency and others to submit a proposal.

Mr. Rafael Yanez said one of the main issues for wanting to join EJAG was for the rendering plants affecting the Boyle Heights area and said he is very hopeful members will get to address them in the CCP. Chair Lyou said there is a proposal to revise the odor regulation as part of the CCP and it's on the Agenda.

Mr. Logan asked if they could add bolstering community participation in the pilot project areas. Chair Lyou clarified the two bullet points on the Goals & Objectives were noted because they were the two first items being addressed, and are not limited to them.

Chair Lyou said given the feedback on the Goals & Objectives, they will move forward with them and circulate them before the next meeting.

**Action Item:** *Send members the revised 2011 Goals & Objectives before the next meeting.*

Ms. Mary Figueroa commented on the Caltrans grants saying the District should ensure the communities get the money because they are impacted at a higher level. Chair Lyou asked staff to circulate the link to the Caltrans grants application and said when funding such as the BP settlement funds are discussed to make sure the application process is reviewed on how the District makes decisions and what the priorities are.

**Action Item:** *Send members the link to the Caltrans grants application and ensure the steps for the application process for future funding opportunities, such as the BP settlement funds are reviewed.*

Mr. Pat Kennedy asked what the process is to narrow the focus of the Agendas. Chair Lyou responded priorities would be identified through the course of the meetings, discussing what to put on the next agenda at the end of the meeting, and discussing with staff to make it happen.

Ms. Kennedy asked to consider leveraging relationships with agencies and community organizations to assist with the Caltrans grant applications. Chair Lyo responded he is unsure how far the District can go with providing technical assistance for writing grant proposals.

Mr. Richman stated that if the group wants to play an advisory role, staff needs to frame the issues on the Districts Agenda early enough, have real EJ implications, provide the background, and ask for their recommendations. Chair Lyo said the Agenda can be timed to address the issues, and noted it's also what members bring to the table.

#### **Agenda Item #5 – Presentation on Facility Information Detail (FIND) search program on AQMD website**

Mr. Mohan Balagopalan demonstrated the FIND program on the Districts website. Mr. Logan asked if under Hearing Board is where you find pending variances, which Mr. Balagopalan confirmed.

Ms. Enciso asked if there is a way to overlay air quality in the areas of the facility map search. Mr. Balagopalan responded not in that area, but there is an air quality map on the homepage.

Mr. Richman asked if FIND can be used to identify EJ communities to look at where the pollutant impacts are concentrated geographically. Mr. Balagopalan responded they have a GIS program and have done specific mapping for EJ areas. Mr. Richman asked if it identifies EJ areas that may not have normally been identified. Mr. Balagopalan said based on certain criteria it has to have some spatial component for it to display on the map. Mr. Yanez asked if it's based on facilities emissions reports and the number of times polluting. Chair Lyo said there are a few ways it's been approached by the District, including incentive program money, and establishing certain areas based on communities of color, low income communities, and pollution burden.

Mr. Logan asked if there's a search category by pounds of pollution, highest to lowest. Mr. Balagopalan responded there wasn't but it's possible by going through the Annual Emissions Reporting (AER) and by different emissions category.

#### **Agenda Item #6 – Update Regarding National Ambient Air Quality Standards**

Mr. Jean Ospital presented an overview of the US EPA's current review of the National Ambient Air Quality Standards. Chair Lyo asked if there's a way to characterize what we have to do to achieve the proposed standard for ozone. Mr. Ospital responded staff have done preliminary estimates, and depending on the level of the standard, that could require 90% reduction in emissions of NOx.

Mr. Logan asked if the design value was the average in 2009. Mr. Ospital said the PM10 standard is met when the 98<sup>th</sup> percentile of the daily 24-hour averages averaged over three years is below the standard. Chair Lyo asked how the design value relates to that. Mr. Ospital said the design value for PM10 is the highest 98<sup>th</sup> percentile in the monitoring station network. Chair Lyo asked Ms. Baird if the difference between Federal and California standards is that Federal standards are enforceable in court and California standards don't have provisions to enforce them, which Ms. Baird confirmed.

Mr. Afif El-Hasan asked why the standards are being measured in micrograms instead of particles. Mr. Ospital replied it is the traditional way to measure particulate matter collected on a filter. Mr. El-Hasan asked if in regards to public health if it's the mass or chemical going into your body or the number of particles. Mr. Ospital replied it's the mass for the standard. Mr. El-Hasan asked if research shows by reducing mass and ignoring the number of particles, would it make a difference. Mr. Ospital said the

methods are historical, and the mass for ultra-fines is so small it's difficult to measure using traditional methods, so are measured by counting the number of particles.

Ms. Woodie Rucker-Hughes asked if there are any visuals that show the correlation of what's happening to our bodies as we breathe the air. Mr. Ospital said there are and explained PM health risks increase respiratory disease and risk for cardiovascular disease. Chair Lyou added that there is a Children's Health Study, which showed over time the damage to children's lung capacity related to exposure to different air pollutants, and when they moved to cleaner air areas their lungs were unable to regain the capacity.

Mr. Logan asked what the cross street is for the Anaheim St. monitor in the pilot monitoring study near the ports. Mr. Ospital said he was not sure. Chair Lyou asked if it was close to Unocal, to which Mr. Ospital responded he was not sure but is in Wilmington.

Mr. Kennedy asked why there was a significant difference year to year for some of the local monitoring sites. Mr. Ospital responded for some there was no data year to year, but for others there are variations year to year which are likely due to meteorology and emissions. Mr. Kennedy asked if changes in fuel used on ships are a factor. Mr. Ospital said it could be related to what fuels they're burning and could also be local sources, but the study did not look at sources of emissions since this was a pilot study.

#### **Agenda Item #7 – Update Regarding Lawsuit Against EPA for Near Roadway Standards**

Ms. Baird provided an update on the lawsuit against EPA for Near Roadway Standards. Mr. Yanez asked if an analysis was taken for the low income housing built near roadways in the Boyle Heights area and what mitigation was done. Ms. Baird said an analysis was done and included minerals from sand and dust, but would not include particles from things such as brakes. Mr. Yanez asked since there was a change in community scale monitoring versus near source, was the District against it. Ms. Baird said the District is against interrupting the current plan, not against near source monitoring.

Mr. Richman asked if ultra-fines correlate with larger particles. Mr. Ospital said in turns of ambient monitoring, they are not correlated very well and there are different mechanisms for ultra-fines, including direct emissions from tail pipes, and when gaseous emissions turn into particles, so typically high levels of ultra-fines are found in the eastern portion of the basin.

Ms. Rucker-Hughes asked what caused the Natural Resources Defense Council (NRDC) to file the lawsuit. Ms. Baird said she believes they read the medical studies that discuss the impacts of living near roads and studies that initially correlated higher levels of black carbon to being near roads.

Mr. Kennedy asked if the intermediate level was mentioned. Ms. Barbara said the 80 meters was generally in-between the two so there was a gradient. Chair Lyou asked if Ms. Baird knew why they didn't expect to find PM2.5 near the roadway because of the traffic. Ms. Baird said the difference was up to three micrograms per cubic meter out of 15.

Mr. Yanez asked in terms of how the monitoring was done, what three points were along the 710 freeway, which side of the freeway the monitoring equipment was on, and if it was upwind or downwind. Mr. Ospital said the monitors were along the 710 freeway near where Long Beach Blvd travels beneath it and on the East side because the prevailing wind is East. He continued to say the upwind side was at Del Amo School, a few miles to the West. Mr. Yanez asked if it was down at the harbor, which Mr. Ospital clarified it was up from the Harbor. Chair Lyou asked if Mr. Ospital knows

when the 710 freeway studies will be finalized. Mr. Ospital said he was unsure and would have to look into it.

Ms. Enciso asked if there's an effort by the District to inform the entities on how the impacts are affecting the communities. Mr. Ospital responded the information is publicized through the Board and other venues but noted there were studies presented at conferences last year by doctors that showed, depending on the situation, the wall may increase the pollutants near the roadway. Mr. Ospital further said there was a contract recently released to look into technologies available that can absorb or react with these pollutants to provide an active barrier and not a passive barrier.

Chair Lyo asked Ms. Baird if a ruling is expected soon since the case was presented in November. Ms. Baird responded the Federal Districts Courts generally rule within 4-6 months of the argument. Chair Lyo asked what happens if NRDC prevails versus the EPA. Ms. Baird said if NRDC prevails then they will result in the budgets no longer being adequate which means they will no longer be able to be used for future conformity findings. Chair Lyo asked if you have to have conformity findings for a variety of projects to move forward, which Ms. Baird confirmed and said it primarily affects transportation plans and programs, so individual already conformed will not be affected.

#### **Agenda Item #8 – Presentation on Proximity to Freeways and Increase in Autism Risk**

Mr. El-Hasan gave a brief update on an article related to how asthma affects California's low-income residents the hardest, followed by a discussion on an article related to proximity to freeways and increase in autism risk.

Mr. Kennedy asked if during the study they looked at pregnancy's and then followed the women when they moved further from the freeway after the pregnancy. Mr. El-Hasan replied they did but weren't able to factor in how much the pregnant women was exposed to the freeway since they may have been at work and not home, so there weren't any definitive conclusions on it.

Mr. Yanez asked what can be done to mitigate the problems of low-income housing near freeways given the circumstances we have right now, including tighter regulation on air. Chair Lyo noted it all comes back around to the standards discussed by Mr. Ospital that EPA is thinking about adopting for Ozone.

#### **Agenda Item #9 – Other Recommendations**

Chair Lyo welcomed any recommendations from the members for the next agenda and Mr. Carrel noted two items that are going to be placed on the April Agenda, both regarding school site planning.

#### **Agenda Item #10 – Public Comment**

Ms. Sara Weldon commented that the responses to the presentation at the last meeting will be provided to District staff for distribution.

#### **Agenda Item #11 – Adjournment**

The meeting adjourned at 2:50 PM.